IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.4915 of 2003

Date: 21st September, 2006

Between:

Chejarla Chalapathi Rao

.. Petitioner

And

The Deputy Registrar of
Cooperative Societies, Ongole & others.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.4915 of 2003

ORDER:

It appears, one of the brothers of the petitioner has mortgaged the property in question to the third respondent Bank for the purpose of obtaining loan. When the loan amount was not repaid and the said loanee fell in arrears, the third respondent Bank issued impugned proceedings dated 15.3.2003 proposing to auction the subject property.

According to the petitioner, the property in question is a joint family property and he got equal share along with others including the loanee. Therefore, firstly the property could not have been accepted as a mortgage and secondly, it could not have been put to auction without issuing notice to the shareholders.

Be that as it may, it appears the petitioner also filed a claim petition under Rule 52(21) of the A.P. Cooperative Societies Rules, 1964 (for short 'the Rules') before the first respondent and the same is pending. Without disposing of the said claim petition, the properties are sought to be sold.

In view of the above, without expressing any opinion on merits, the first respondent is directed to dispose of the claim petition

purported to have been filed by the petitioner under Rule 52(21) of the Rules within a period of two months from the date of receipt of a copy of this order after putting all the parties on notice and hearing them in this regard. Till such time, the impugned proceedings dated 15.3.2003 issued by second respondent shall not be given effect to.

With the above direction, the writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 21.9.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

21.9.2006